

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARK I. SOKOLOW, *et al.* :  
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Plaintiffs, :  
: 04 Civ. 397 (GBD) (RLE)  
v. :  
: ECF Case  
PALESTINE LIBERATION :  
ORGANIZATION, *et al.*, :  
:  
Defendants. :  
:  
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**STATEMENT OF INTEREST OF THE UNITED STATES OF AMERICA**

The United States submits this Statement of Interest, pursuant to 28 U.S.C. § 517,<sup>1</sup> to apprise the Court of its interests as they relate to the Rule 62 Motion to Stay Execution of the Judgment and to Waive the Bond Requirement (ECF No. 897) filed by defendants Palestinian Authority and Palestine Liberation Organization.

In deciding whether to stay execution of a judgment without a supersedeas bond or to reduce the bond amount, courts may consider a number of factors, including the public interest. *See In re Nassau Cnty. Strip Search Cases*, 783 F.3d 414, 417-18 (2d Cir. 2015) (providing a list of “non-exclusive factors that a district court may consider” in assessing a Rule 62 motion); *Morgan Guar. Trust Co. v. Republic of Palau*, 702 F. Supp. 60, 65-66 (S.D.N.Y. 1988) (considering the public interest in ruling on a Rule 62 motion). This Statement of Interest, including the attached declaration from Deputy Secretary of State Antony J. Blinken addresses critical national security and foreign policy interests of the United States that should be considered as the Court determines whether to impose

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<sup>1</sup> 28 U.S.C. § 517 provides that: “The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.”

a bond requirement in this case and, if so, in what amount. The United States strongly supports the rights of victims of terrorism to vindicate their interests in federal court and to receive just compensation for their injuries. *See* 18 U.S.C. § 2333 (providing U.S. national victims of international terrorism with a cause of action, with treble damages and attorney fees, against terrorists and those who actively support terrorism that harms Americans abroad); Attached Declaration of Deputy Secretary of State Antony J. Blinken ¶¶ 3-6, 12 (Aug. 10, 2015); *see also, e.g.*, *Brabson v. The Friendship House of West. New York, Inc.*, 2000 WL 1335745, at \*2 (W.D.N.Y. Sept. 6, 2000); *Harris v. Butler*, 961 F. Supp. 61, 63 (S.D.N.Y. 1997). At the same time, the declaration notes that the United States has significant concerns about the harms that could arise if the Court were to impose a bond that severely compromised the Palestinian Authority’s (“PA”) ability to operate as a governmental authority. *See* Attached Declaration of Deputy Secretary of State Antony J. Blinken ¶¶ 7-11; *see, e.g.*, *Morgan Guar.*, 702 F. Supp. at 66; *Teachers Ins. & Annuity Ass’n v. Ormesa Geothermal*, 1991 WL 254573, at \*4 (S.D.N.Y. Nov. 21, 1991).

The United States respectfully urges the Court to take into account these factors as it considers the evidence regarding the PA’s financial situation. The Court and the parties made clear at the July 28, 2015 hearing that they are aware of the issues regarding the PA’s financial stability, and the need to have some mechanism for plaintiffs to secure payment if the Court’s judgment is affirmed.

The United States does not herein express a view on the ultimate merits of defendants’ Rule 62 motion (or any other issue in the case). The United States files this Statement of Interest solely to inform the Court of its interests as the Court considers where the public interest lies in ruling on defendants’ Rule 62 motion.

Respectfully submitted this 10th day of August, 2015.

/s/ Kathleen R. Hartnett  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Kathleen R. Hartnett

KATHLEEN R. HARTNETT